

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

VERONICA ROMANO	x	
	:	Civil Action No.
Plaintiff,	:	
	:	
v.	:	
	:	
AWILDA ESPADA, FIRST STUDENT, INC., JOHN and JANE DOES 1-10 (fictitious unidentified individuals), AND ABC CORPORATIONS 1-10, (fictitious individuals, corporations or other business entities presently unidentifiable)	:	<u>NOTICE OF REMOVAL</u>
	:	
	:	
Defendants.	:	
	x	

Pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(b), defendant First Student, Inc. (“First Student”), by and through its undersigned counsel, hereby removes to the United States District Court for the District of New Jersey the case captioned Veronica Romano v. Awilda Espada, First Student, Inc., John and Jane Does 1-10 (fictitious unidentified individuals), and ABC Corporations 1-10 (fictitious individuals, corporations, or other business entities presently unidentifiable), now pending in the Superior Court of New Jersey, Essex County, Docket No. ESX-L-000819-24, and as grounds for removal states as follows:

I. NATURE OF ACTION

1. This action arises out of an alleged motor vehicle accident that occurred in Edgewater, New Jersey on February 6, 2020. See Complaint, attached hereto at Exhibit A.
2. On February 4, 2022, plaintiff filed a Complaint against First Student in the Superior Court of New Jersey, Essex County. See Exh. A.

3. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is being filed within thirty days of receipt of the Complaint by defendant First Student.

4. Pursuant to 28 U.S.C. § 1446(a), all process, pleadings, and orders received by defendant First Student are attached. See Exh. A.

II. THE ADVERSE PARTIES ARE COMPLETELY DIVERSE

5. As stated in plaintiff's Complaint, plaintiff is a citizen of the state of Texas, with an address of 6008 Rimini Landing Lane, Porter, Texas. See Exh. A.

6. Defendant First Student, Inc. was incorporated in Delaware and its principal place of business is in Ohio. A corporation is considered to be a citizen of its state of incorporation and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). First Student, therefore, is a citizen of Delaware and Ohio.

7. Defendant Awilda Espada is a citizen of New Jersey, with an address of 706 25th Street, Apt AJ, Union City, New Jersey.

8. The remaining defendants, John and Janes Does 1-10 and ABC Corporation 1-10, are fictitious entities. Pursuant to 28 U.S.C. § 1441(b)(1), the citizenship of defendants sued under fictitious names shall be disregarded for purposes of removal based on diversity jurisdiction.

9. Therefore, there is complete diversity of citizenship between plaintiff and defendants.

10. 28 U.S.C. § 1441(b)(2) provides that “[a] civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”

11. Although defendant Awilda Espada is a citizen of New Jersey, she has not been properly joined and served with the Complaint.

III. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000

12. Under 28 U.S.C. § 1332(a), federal jurisdiction based on diversity of citizenship requires that the amount in controversy exceed \$75,000, exclusive of interest and costs.

13. In the Complaint, plaintiff alleges that as a result of this accident she suffered “severe and permanent injuries, suffered and in the future will suffer great pain and distress, was and will be required to curtail [her] usual activities and pursuits, has and will incur lost wages and medical expenses.” See Exh. A at ¶ 7.

14. At the time of the accident, plaintiff was 42 years old.

15. In addition, plaintiff alleges injuries to the low back, neck, bilateral knees, and head. Plaintiff was diagnosed with an interosseous disrelationship at C1-C4, T1-T7 and T12-L4 and degenerative changes at C4-C5.

16. Plaintiff also underwent a course of chiropractic treatment and physical therapy for several months following the alleged accident.

17. Plaintiff also alleges that the action is not barred by N.J.S.A. 39:6A-1, et seq. See Exh. A at ¶ 18.

18. Although First Student disputes plaintiff’s allegations, the amount in controversy is in excess of \$75,000, excluding interest and costs.

WHEREFORE, First Student respectfully requests that the action described herein now pending in the Superior Court of New Jersey, Essex County, be removed to this Court.

Respectfully submitted,

BY: /s/ *Fabiola Vieites*
Fabiola Vieites, Esq.

ID No. 274762018
LANDMAN CORSI BALLAINE & FORD P.C.
One Gateway Center, 22nd Floor
Newark, NJ 07102
Attorneys for Defendant
First Student, Inc.

Dated: February 11, 2022

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I hereby certify that the matter in controversy in this action is not now known to be the subject of any other action pending in any court or of any pending arbitration or administrative proceeding.

BY: */s/ Fabiola Vieites*
Fabiola Vieites, Esq.
ID No. 274762018
LANDMAN CORSI BALLAINE & FORD P.C.
One Gateway Center, 22nd Floor
Newark, NJ 07102
Attorneys for Defendant
First Student, Inc.

Dated: February 11, 2022

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	:
Defendants.	:
	x

DECLARATION

I, Fabiola Vieites, of full age, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney with the firm of Landman Corsi Ballaine & Ford P.C., attorneys for defendant First Student, Inc. (“defendant) in the above matter.
2. On February 11, 2022, I served a copy of defendant’s Notice of Removal with supporting documents via regular mail, postage prepaid, and email upon the following:

Sean T. Payne, Esq.
Ginarte Gallardo Gonzalez & Winograd, L.L.P.
400 Market Street
Newark, New Jersey 07105

I hereby declare under penalty of perjury that the foregoing is true and correct.

BY: /s/ *Fabiola Vieites*
Fabiola Vieites, Esq.
ID No. 274762018

LANDMAN CORSI BALLAINE & FORD P.C.
One Gateway Center, 22nd Floor
Newark, NJ 07102
Attorneys for Defendant
First Student, Inc.

Dated: February 11, 2022